

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

UNITED STATES OF AMERICA,

Plaintiff,

v.

OMAR QAZI,

Defendant.

Case No. 2:15-cr-14-APG-VCF

ORDER DENYING (1) MOTION TO RE-OPEN DETENTION HEARING, AND (2) MOTION TO DISMISS

(ECF Nos. 443, 448)

Defendant Omar Qazi has filed a motion to re-open his detention hearing. ECF No. 443. He contends that because he has been detained for over three years his due process rights are being violated by his continued detention. He also filed a motion to dismiss this case for lack of subject matter jurisdiction. ECF No. 448. He argues that the Bail Reform Act of 1984 (the authority for his pre-trial detention) was, in reality, a joint resolution for an appropriations bill that cannot have the force of law or operate beyond the year it was passed. *Id.* at 7—8. But Qazi does not explain how his argument leads to the dismissal of the charges pending against him.

Qazi has filed several motions seeking release from custody. Each of those motions was duly considered and rejected by the court. The Ninth Circuit affirmed Qazi's detention as recently as February 12, 2018. *United States v. Qazi*, No. 17-10478, 2018 WL 841667 (9th Cir. 2018). Most of the delay in this case has been due to the many motions filed by Qazi (and some stipulations to continue filed by the parties). A portion of the delay was also due to the government's interlocutory appeal of my suppression order. The government ultimately prevailed on that appeal, so the delay was justified. *United States v. Loud Hawk*, 474 U.S. 302, 315–16 (1986). Qazi, too, filed an interlocutory appeal, which was denied.

This case is scheduled to begin trial on July 30, 2018. Qazi's due process rights are not violated by his continued detention until that trial concludes.

1 With regard to Qazi's motion to dismiss addressing the Bail Reform Act of 1984,
2 Magistrate Judge Leen rejected Qazi's arguments in an earlier version of his motion. *See* ECF
3 No. 325 at 15—16. I adopt her reasoning and likewise reject Qazi's repackaging of his
4 arguments. Moreover, even if the Bail Reform Act of 1984 was found to be no longer
5 enforceable, that would not result in the dismissal of the charges pending against Qazi.

6 IT IS THEREFORE ORDERED that Qazi's motion to reopen his detention hearing (**ECF**
7 **No. 443**) **is denied**, and his motion to dismiss (**ECF No. 448**) **is denied**.

8 Dated: July 17, 2018.



ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE